TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1896.

No. 16.

MANUEL CRESPIN ET AL., APPELLANTS,

vs.

THE UNITED STATES.

APPEAL FROM THE COURT OF PRIVATE LAND CLAIMS.

FILED OCTOBER 7, 1893.

(15,415.)

(15,415.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1896.

No. 42.

MANUEL CRESPIN ET AL., APPELLANTS,

vs.

THE UNITED STATES.

APPEAL FROM THE COURT OF PRIVATE LAND CLAIMS.

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a *Transcript of the San Antonito Case, No. 27.*

In the Court of Private Land Claims, Santa Fé District.

Tried December 8th, 1892.
Decided March 10th, 1893.
Appeal taken March 17th, 1893.

Counsel: For plaintiffs, Geo. Hill Howard, Esquire; Jeffries & Earle, Esquires; for defendant, Matt. G. Reynolds, Esq., United States attorney.

L. F. PARKER, JR.,
Official Stenographer.

1 UNITED STATES OF AMERICA, *Territory of New Mexico,* } *ss:*

Be it remembered that heretofore, to wit, on the twelfth (12th) day of August, A. D. 1892, Manuel Crespin and others, by their attorneys, Geo. Hill Howard, Jeffries and Earle, filed in the office of the clerk of the court of private land claims in and for the Territory of New Mexico a petition, in which said Manuel Crespin and others are plaintiffs and The United States is defendant; which said petition is in the words and figures following, to wit:

In the Court of Private Land Claims of the United States, Sitting at Santa Fé, New Mexico, August Session.

MANUEL CRESPIN, JUAN GARCIA Y ZAMORA, Juan Otero Ramon Zamora, Francisco Rael, A. Gutierrez, Gregorio Garcia, Manuel Garcia y Anaya, Polonaris Montaña Camilo Garcia, Anastacio Montana, Jose Crespin, Juan Garcia y Rael, Jose Maria Gutierrez, Martin Espinosa, Teofilo Griego, Santos Sanchez, Juan Espinosa, Marcelino Crespin, F. Montes, Manuel Garcia, Juan Trujillo, Nacario Candelaria, Francisco Trujillo, Pilar Trujillo, Vicente Zamora, Manuel Jaramillo, Telesfor Flores, Abran Candelaria, Andres Garcia, Joaquin Garcia, Nicanor Armijo, Justiniano Zamora, Julian Romero, Jose C. Garcia, Jose Sena, Leonardo Esquin, Cayetano Zamora, Justiniano Otero, Lorenzo Garcia, Manuel Baca, Dario Chavez, Francisco Sanchez, Teodoro Garcia, Rita Trujillo, Cornelio Montoya, Narciso Gutierrez, Juan Gutierrez, and Pelegrina Armijo, Plaintiffs,

vs.

2 THE UNITED STATES, Defendant.

} Petition in the Matter of Private Land Claim San Antonito.

To the Honorable Joseph R. Reed, chief justice, and the honorable associate justices of the said court:

Now come the above-named plaintiffs, your petitioners, by and

through their counsel, Geo. Hill Howard, Jeffries and Earle, and make and file in this honorable court this their petition in the matter of the said private land claim, and respectfully therein allege, represent, and show:

1. That your petitioners make claim to and assert ownership in fee of the lands and premises known as and called San Antonito, situate in the county of Bernalillo, Territory of New Mexico, containing about 32,000 acres, more particularly hereinafter described.

2. That your petitioners are the owners of and seized in fee of the said lands and premises and entitled to the confirmation of the same to them and as the heirs and legal representatives of the original grantees thereof.

3. That on the 24th day of March, A. D. 1840, the Republic of Mexico, while this Territory of New Mexico was a constituent part of said Republic, by and through Antonio Sandoval, the prefect or superior political chief of the district of Bernalillo, thereunto duly authorized by the laws, usages, customs, superior orders, and decrees of the said Republic or of its duly constituted and compe-
3 tent authorities, donated, adjudicated, granted, set apart, and delivered the possession unto Dionicio Atencio, Jesus Maria Olguin, Juan Jose Garcia, Gaspar Atencio, Pablo Sisneros, Pablo Carrio, Diego Garcia, Rumaldo Candelaria, Juan Ballejos, Francisco Martinez, Pedro Antonio Gutierrez, Mariano Gutierrez, Juan Griego, Jose Tomas Griego, Juan Cristobal Muñis, Juan Domingo Griego, Ramon Zamora, Vicente Zamora, Manuel Martinez, Bartolome Sanches, Juan Ygnacio Jinso, Miguel Gutierrez, Vicente Candelaria, Juan Lucero, and Juan Martin of that certain tract of land situate in the county of Bernalillo, Territory of New Mexico, in and upon the cañon of San Antonio, surrounding the placita, place, or town of San Antonito, about twenty-five miles east of the city of Albuquerque, more particularly described and set forth in the original grant document or espediente of title which remained in the office and formed a part of the archives of the said prefect and district of Bernalillo, testimonio or official copy whereof was at the time, under and in accordance with the then laws, usages, and customs, issued and delivered unto the said grantees, to serve them, their heirs, successors, or assigns, as evidence of complete, valid, and final title in fee.

4. That your petitioners, notwithstanding that they have made exhaustive and diligent search therefore, are unable to find the original expediente, borrador, or draft of title of the said grant from which the aforesaid official testimonio or copy was taken,
4 made, and delivered to the said grantees, as aforesaid, which said original espediente formed a part and parcel of the public archives of the Territory of New Mexico and Republic of Mexico from the said date of the said grant until the said Territory became a part of the United States, when or thereafter, at divers and various times, your petitioners are informed and believe parts and portions of the aforesaid public archives were lost, destroyed, and stolen, including the aforesaid original barrador or espediente, whereby the said archives became incomplete and insufficient to show what existed therein at the date the said Territory became a part of these

United States. Wherefore your petitioners aver that they cannot offer and produce to the court the aforesaid original espediente or the record thereof in the aforesaid archives.

5. That the aforesaid testimonio or official copy of the said original espediente, borrador, or draft of title so made, issued, and delivered by the said Mexican authorities to the said grantees remained in the possession of the said grantees and their said legal representatives, your petitioners, until about —, when the same was lost or stolen, and, notwithstanding diligent inquiry and search therefor by your petitioner, they have been unable to find the same. Wherefore they cannot produce and offer it to this honorable court as evidence in the matter of said grant.

6. That on the 10th day of April, A. D. 1840, while the
5 said original espediente, borrador, or draft of the said grant was in the *was in the* archives of the said prefecture and district of Bernalillo, at Barelas, a testimonio or true copy thereof was made, purporting to be for and the property of one Runaldo Chaves. (See Exhibit "A.")

7. That the last said testimonio or true copy of the said gran- was, prior to A. D. 1846, transferred and delivered by the said Rumaldo Chavez, by endorsement thereon, unto Gaspar Atencio, one of the grantees of the said grant, for his uses and purposes, and has ever since remained in the possession of the said Atencio or his legal representatives and your petitioners.

8. That your petitioners, on the 25th day of October, A. D. 1886, filed the same in a complete, perfect, and intact condition for record in the recorder's office in and for the county of Bernalillo, New Mexico; but that after the said filing and prior to the record thereof, made December 28, 1886, and while the said document was in the possession of the said office, about one-half, the last half, of the last folio or sheet of the said *od*cument was lost, and the said record was made exclusive or less th- said lost portion thereof. Where*of* your petitioners are obliged to present and file the same less the said portion thereof, so lost as aforesaid, and will, upon the trial of the case by this honorable court, being allowed thereto, prove the contents of the said lost portion of the said document; that the said portion of the said testimonio, so lost as aforesaid, defined, set forth, and showed:

6 1st. That the south boundary of the said tract to be "lo alto del cuchillo del Jaspe," or the summit of the ridge of the Jaspe; upon the east by the ceja (or brow) del monte del Potrio to the puerto (or pass) del Ojo del Indio; from thence on the side of the north to the said Cedro Grueso, the Pino Cuate, until the last sources (ultimos virtientes) upon the wes*y* side.

2nd. The measurement and laying out of the placita, or town, of three hundred varas square at or near the paraje of San Antonito, called the same San Antonito, and the assignments of lots in severalty therein to the said grantees.

3rd. The official signatures of the Jose Trujillo, judge, and of the attesting witnesses who made the said measurements and allotments

and who designated the said boundaries of the said tract and deliver- the juridical possession thereof unto the said grantees.

4th. The report of the said auto, or act of measurement, allotment, and juridical possession of the said grant to the said grantees by the said judge to the said prefect and the approval thereof by the said prefect and duly signed and witnessed.

9. The petitioners allege that they are informed and believe that the said grant was finally confirmed and approved by the governor, Manuel Armijo, and the departmental assembly.

10. That on the 4th day of March, A. D. 1840, under and by virtue of the said donation, adjudication, and grant, the designation of the exterior boundaries, the allotment of one hundred varas in width and running from the north to the south boundary of the said grant in severalty to each of the said grantees, the lay-
7 ing out and measurement of the placita, or town, of San Antonito, and the allotment to each of the said grantees of a lot in severalty therein was all had, made, and done and the juridical possession of the whole thereof given unto the said grantees by the official named and appointed in and by the said grant for the purpose, to wit, Jose Trujillo, under and in accordance with the decree of the said prefect and the superior orders, laws, customs, usages then obtaining and in force in the said Territory and Republic of Mexico.

11. That the said grantees petitioned for and obtained the said grant of the said tract and the said possession thereof, as hereinbefore set forth, in good faith, and they and their descendants and their legal representatives, your petitioners, from the said date of the said grant and the said juridical possession thereof to the present time have usefully held, occupied, and possessed the same and the whole thereof under and by virtue of the said grant, the said juridical delivery and possession thereof, and they now so hold, occupy, and possess the same in fee against the whole world under and by virtue of the said grant, and the said open, notorious, continuous, peaceful, and exclusive use, occupation, and possession of the same from the said date of the said grant to the present time in good faith.

12. That the said tract is about ten miles in length by about five miles in width, containing about thirty-two thousand
8 acres, as near as petitioners can state without an actual survey of the same, which has never been had or made.

Your petitioners file herewith a map or sketch of the said tract showing its shape, the natural objects, points, and places mentioned and called for, as hereinbefore set forth by the said grant and auto or act of juridical possession. (See Exhibit "C.")

13. Your petitioners file and offer herewith as a muniment of title the original document, marked Exhibit "B," of which the following is a correct translation, to wit:

"The citizen Jose Trujillo, justice of the peace of the jurisdiction of los ranchos, of Albuquerque, I certify in form of law that to the citizen Bisente Zamora were donated one hundred varas

in the San Antonito, according to and as appears in the general grant made by me, the said judge, under the decree, by the Sir Prefect Don Antonio Sandoval, March 24. The present certificate given at the ranchos of Albuquerque today, April 11, 1840, signed with two assistant witnesses, to which I give faith.

(Signed) JOSE TRUJILLO.

Assistants:
BERNABE CHAVEZ.
PABLO RAMON SISNEROS."

14. That your petitioners are now seized and possessed in fee of said premises, claiming the absolute ownership thereof, not only by virtue of said original grant, but also by virtue of and through the continuous possession, use, and occupation of said premises under exclusive claim of right thereto, as hereinbefore set forth, by said grantees and your petitioners, from the year 1840 to the present time, adversely to the whole world.

15. That said grantees or their legal representatives, at the date of the acquisition of New Mexico by the United States, held said grant discharged of any condition, charge, or reservation in relation thereto, if any there were, and that the same is further assured to them by reason of their said continuous, exclusive, open, and notorious possession, use, and occupation of said grant as against the whole world from 1840 to the present time.

16. That there are no gold or silver mines or lodes or minerals of the same within the limits of said grant, to the knowledge of your petitioners, and they therefore allege that there are none.

17. That the form of said grant, title, or espediente so made and issued to said grantees for said tract of land is a written title and grant document comprehending and showing all the steps and proceedings in the matter of the grant from the petition to and including the final grant, which said grant document was duly made, executed, and authenticated under and in accordance with the laws, superior orders, usages, and customs then obtaining in the then Territory of New Mexico, Republic of Mexico, and was and is in nature a complete, definitive town community grant in fee-simple.

18. That there are no adverse claimants, holders, or possessors of any part of said tract, and that the same does not conflict in whole or in part with any other grant or claim derived from the Mexican or Spanish government.

19. That the said grant has never been presented to or acted upon by any constituted authority of the United States or acted upon by it or under its authority in any manner whatsoever.

Wherefore your petitioners pray that the validity of the title to the said San Antonito grant, under and in accordance with the superior orders, usages, and customs of Spain and Mexico, the extent and location thereof, and the claim of your petitioners thereto may be inquired into and determined and decided by this court; that the same may be by your decree established, confirmed, and set apart to your petitioners as the legal representatives and successors in interest of the original grantees in accordance with the metes

and bounds set forth in the original grant document and the juridical possession given thereunder; that a survey thereof may be made by the surveyor general of the United States under the direction and instruction of this court; that the petitioners may be granted proper process to bring the defendant into court in accordance with the law, rules, and practices thereof to make answer hereto, and that they may be granted such other and further relief in the premises as in equity and justice to the court shall seem meet; and your petitioners will ever pray, &c.

GEO. HILL HOWARD,
JEFFRIES & EARLE,
Counsel for Petitioners.

11 Which said petition is endorsed: "No. 27, F. No. 1. Filed in my office this 12th day of Aug., A. D. 1892. James H. Reeder, cl'k, by Ireneo L. Chaves, deputy."

Be it further remembered that on the same day, to wit, the twelfth (12th) day of August, 1892, a paper was filed with said petition and marked Exhibit "A;" which said Exhibit A is in the words and figures following, to wit:

Translation.

Señor Prefect Dpn Antonio Sandoval:

Juan Jose Garcia and Gaspar Atencio, residents of the demarcation of Albuquerque, appear*ing* before your honor with due formality and state, sir, in the name of both and in that of the undersigned, that we, our constituents, finding ourselves without tillage lands by which to subsist, and there being back of the Sandia mountain a tract of land called San Antonito, the fertility of which and the increase of whose waters all invite its cultivation, by this means the commendable promotion of agriculture and the progressive benefit of the petitioners will be accomplished, we bring to the knowledge of your honor the fact that it is fifteen years, a little more or less, since this tract was donated to Cristobal Jaramillo, deceased; yet, moreover, it all this space of time said land has not been cultivated at all, and if this has been forfeited in accordance with our laws we humbly beg your honor to be pleased to grant us what we
12 ask, as it is without prejudice to a third party. Trusting in the great kindness which your honor shows to the poor and needy, which favor we ask in the name of the Mexican nation, we swear that we *fo* not act in bad faith in what is necessary, etc.

Albuquerque, March 16, 1840.

JUAN JOSE GARCIA.
GASPAR ATENCIO.

Decree.

BARELAS, *March* 21, 1840.

Let this petition be transmitted to the justice of the peace of Los Ranchos, in order that he report in detail to this prefecture concern-

ing both the nature of the land and as to whether the petitioners are in need of landed property which may provide them the necessities for their subsistence; and this report being finished, return it to this office, in order that whatever is proper may be decided.

SANDOVAL.

FRANCISCO SARRACINO, *Secretary.*

Report.

In fulfillment of what I am ordered to do by your honor's decree, dated the 21st of March, 1840, concerning the present petition, in consequence thereof, I have to say to your honor that I, this justice, having fully informed myself and being satisfied as to the nature of the land, *and* state that the land mentioned is such as the
13 petitioners state it to be; it is fitted for agricult-, very pleasing and very delightful for a life of tranquillity, very favorable to everything most necessary for a comfortable living. In relation to the petitioners being in need of landed property that may fully provide them with subsist*ance*, I have to say to your honor that excepting Diego Garcia, Jose Miguel Griego, and Juan Lucero, who are known to have land, but they state that they do not count upon it because they are in debt and have it secured by said lands, all the others have not such property.

With which I believe that your honor will be satisfied that I have complied with your superior decree.

Ranchos, March 22, 1840.

JOSE TRUJILLO.

Decree.

BARELAS, *Mar.* 24, 1840.

One of the most commendable and beneficial things to a people being the promotion of agriculture, let this petition be transmitted to the justice of the peace of Los Ranchos, in order that with all the customary formalities he give the possession solicited by the parties in interest, without prejudice to a third party, and only for cultivation the lands necessary, leaving free the pastures and watering places, which under no circumstances ought to be interfered with; and after this is done he shall make a full report to this prefecture.

SANDOVAL.

FRANCISCO SARRACINO, *Secretary.*

14 In the jurisdiction of los ranchos de Albuquerque on the 27th day of the month of March, of the year one thousand eight hundred and forty, I, the citizen Jose Trujillo, justice of the peace of the same jurisdiction, in virtue of what is ordered by the prefect of this district in decree of the twenty-fourth instant and in obedience thereto, in order to proceed in all things in compliance therewith and according to and as therein set forth, I ought to and I do order that notice be given to citizens Juan Jose Garcia and Gaspar Atencio, with all their constituents, grantees in the tract of

San Antoñito, that by the twenty-ninth day of the present month they shall assemble at the place designated and donated to make the measurements of the said tract, and, there being no opposition, the possession thereof will be given them as is ordered by the prefect in the decree already cited, and they are made grantees in accordance with law.

I, the present justice, by this decree thus provided, ordered and signed it, acting as a special justice with the two attending witnesses for lack of a notary public, of which there is none provided by law, to which I certify.

Immediately in said jurisdiction of los ranchos de Albuquerque, on said day, month, and year, I, the said justice of the peace, in virtue of what is ordered in the foregoing decree, cited and made known to the citizens Juan Jose Garcia and Gaspar Atencio and their associates personally everything that is therein set forth, which they understood, and I signed it, to which I certify with those attending as aforesaid.

At the Rito de San Antonito, on the twenty-ninth day of the month of March, of the year one thousand eight hundred and forty, complying with what has been decreed by the prefect, Don Antonio Sandoval, with the object of giving the possession referred to in these proceedings, and all the grantees being present, I took Juan Jose Garcia and Gaspar Atencio by the hands, saying to them that in the name of the Mexican nation (which may God preserve) I gave national and personal possession of said tract for cultivation to them and all their constituents without prejudice to the public as to pastures and watering places; I conducted them over said tract; they pulled up grass, threw stones, and made other signs and demonstrations of possession, in which act the parties placed in possession, as well as the bystanders who were present, shouted, saying, "Long live the Mexican nation! Long may it live! Long may it live!" and they placed the tract under the sole protection of Saint Anthony (San Antonio), as it had previously been, with which they quietly and peaceable took their possession, and the measurement of the land among the grantees was proceeded with in the following manner:

1. Dionicio Atencio, one hundred varas	100
2. Jesus Maria Olguin, one hundred	100
3. Juan Jose Garcia, one hundred and fifty	150
4. Gaspar Atencio, one hundred and fifty	150
5. Pablo Sisneros, one hundred	100
6. Pablo Carrio, one hundred	100
Seven, 7. Diego Garcia, one hundred	100
8. Rumaldo Candelaria, one hundred	100
9. Juan Ballegos, one hundred	100
10. Francisco Martinez, one hundred	100
11. Pedro Antonio Butierres, one hundred	100
End of page	1,200

Brought forward	1,200
12. Mariano Gutierres, one hundred	100
13. Salvador Candelaria, one hundred	100
14. Felipe Gutierrez, one hundred	100
15. Juan Griego, one hundred	100
16. Jose Tomas Griego, one hundred	100
17. Juan Cristoval Muñis, one hundred	100
18. Juan Domingo Griego, one hundred	100
19. Ramon Samora, one hundred	100
20. Bisente Martines, one hundred	100
21. Manuela Martines, one hundred	100
22. Bartolome Sanchis, one hundred	100
23. Juan Ygnacio Jinso, one hundred	100
24. Miguel Gutierrez, one hundred	100
25. Visente Candelaria, one hundred	100
26. Juan Lucero, one hundred	100
27. Juan Martin, one hundred	100
	2,800

The number of Castilian varas, divided among twenty-seven individuals, who were the grantees, being two thousand eight hundred, as appears from the foregoing statement, the fixed boundaries being where the sources of the water raise, which is on the west side, on the east the twin pine (pino cuate) to the little pass (puertecito) of los Huerteños, commonly so called, it being diagonally betweeen east and south, and the twin pine itself being recognized as a boundary mark, and a mound of stones that was piled
17 around the pine itself, which is on the north side, and the little pass of los Huerteños is on the south side. In this the land is included by the said sides. On the north side the little ridge (cuchillita), which is opposite, and it ends in the vicinity of a thick cedar tree with a natural girdle upon it, to which was given, as a further sign, a cross made on the tree itself, it being diagonally between north toward the twin pine. On the south side *y*he face of the top of the ridge called the Jaspe, recognizing as a boundary mark a large rock (peñasco) which is in a straight line with the end of the little ridge (cuchillita) mentioned on the north side, said possession being enclosed on the south side (torn) the said ride of the Jaspe and—

(Here nearly three-quarters of a page left blank.—Clerk.)

The present justice, with those of his attendance, by his decree thus provided, ordered and signed it as aforesaid.

It is a copy made from its original today, the tenth of April, one thousand eight hundred and forty, belonging to Don Rumaldo Chaves. RUMALDO CHACES. [SCROLL.]

It is composed of two sheets of four leaves, from number one to eight.

[Scroll of Rumaldo Chaves.]

18 (Which said Exhibit A is endorsed: Exhibit A. Translation. No. 27, F. No. 3. Filed in my office this 12th day of August, A. D. 1892. James H. Reeder, cl'k, by Ireneo L. Chaves, d'p'ty.

And be it further remembered that afterwards, to wit, on the 13th day of August, A. D. 1892, a summons was issued from the office of said clerk; which said summons is in the words and figures following, to wit:

Summons—U. S. Court of Private Land Claims.

UNITED STATES OF AMERICA, } ss:
Santa Fé, N. M., }

In the U. S. Court of Private Land Claims.

MANUEL CRESPIN *et al.*, Plaintiff-, } Petition Filed in the Clerk's
vs. } Office this 12th day of
THE UNITED STATES, Defendant. } August, A. D. 1892.

The President of the United States of America to Matt. G. Reynolds, Esq., U. S. att'y for the ct. pt. ld. claims, Greeting:

You and each of you are hereby notified that an action has been brought in this court by Manuel Crespin *et al.*, plaintiff-, against you, as defendant, under the provisions of the act of Congress
19 of the United States entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3rd, 1891, and that a copy of the petition of said plaintiff- is herewith attached and served upon you, and that you are required to appear and plead, demur, or answer to the petition filed in said action in said court on or before the third day of the term of said court, to be held at Santa Fé, N. M., on the 15th day of August, 1892, and if you fail so to do the said plaintiff- will take default, according to the provisions of the aforesaid act.

Witness the Honorable Joseph R. Reed, chief justice of the court of private land claims, and the seal of the said court, at the city of Santa Fé, in said district, this 13th day of August, A. D. 1892, and of the Independence of the United States the 116th year.

JAMES H. REEDER, *Clerk,*
By IRENEO L. CHAVES,
Deputy Clerk.

On the back of which appears the following:

Proof of Service.

UNITED STATES OF AMERICA, } ss:
Terr. of New Mexico, }

SANTA FÉ, *A'g't* 15, *A. D.* 1892.

I hereby certify that I received the within writ on the 13 day of August, A. D. 1892, and that I have personally served the

20 same upon the said defendant, Matt. G. Reynolds, U. S. attorney for the court of private land claims, by delivering to him personally a true copy of the within writ at the time and place as follows: As to ——, at Santa Fé, county of Santa Fé, on the 13 day of August, A. D. 1892.

This writ therefore returned by me, as the law directs, this 13 day of August, A. D. 1892.

TRINIDAD ROMERO, *Marshal*,
By BERNARDO ROMERO,
Deputy Marshal.

Which said summons bears the following endorsements, to wit: "Gen. No. 27, F. No. 5. Summons. Filed this 13 day of Aug., A. D. 1892. James H. Reeder, clerk, by Ireneo L. Chaves, dep'ty. Geo. Hill Howard, Jeffries & Earle, attorneys for plaintiff-."

And be it further remembered that afterwards, to wit, on the nineteenth (19) day of August, the same being the fifth (5) day of the August term, A. D. 1892, a motion was filed in the office of said clerk; which said motion is as follows:

In the Court of Private Land Claims of the United States, Sitting at Santa Fé, New Mexico, August Session.

MANUEL CRESPIN *et al.*, Plaintiff-,
vs.
THE UNITED STATES, Defendant.

21 In the matter of the private land claim San Antonito.

To the Honorable Joseph R. Reed, chief justice, and the honorable associate justices of the said court:

Now comes the plaintiffs, your petitioners, and move the court to proceed and take testimony at Albuquerque, New Mexico, in the matter of the San Antonito private land claim now pending in this court, and to designate a day for such purpose.

This motion and prayer is made for the reason that there are a large number of witnesses, some of them very old and infirm, to be examined in this cause, who may reach Albuquerque within an hour or two by team from their homes, and thus be enabled to readily give their testimony without hardship and much expense, which otherwise would be great.

Your petitioners will ever pray.

GEO. HILL HOWARD AND
JEFFRIES AND EARLE,
Att'ys for Petitioners.

Which said motion bears the following endorsements, to wit: "Motion to take testimony at Albuquerque. F. No. 7. Filed in my office this 19th day of August, 1892. James H. Reeder, clerk, by Ireneo L. Chaves, deputy clerk."

22 And be it further remembered that *afterwards*, to wit, on the 25th day of November, A. D. 1892, there was filed in the office of said clerk an answer; which said answer is in the words and figures following, to wit:

UNITED STATES OF AMERICA, *ss:*

In the Court of Private Land Claims, Santa Fé District.

MANUEL CRESPIN *et al.*, Plaintiff-,
vs.
THE UNITED STATES, Defendant. } No. 27.

Answer.

Comes now the United States, by its attorney, Matt. G. Reynolds, and for answer to the plaintiffs' petition filed in the above-entitled cause says—

That it has no knowledge or information sufficient to enable it to form a belief as to whether or not on the 24th day of March, 1840, one Antonio Sandoval was a prefect of the district of Bernalillo, in the Territory of New Mexico, nor as to whether upon said day said Sandoval, pretending to act on behalf of the Mexican Re-
23 public, undertook to grant, set apart, and deliver the possession of the land described in plaintiffs' petition, but says if he did so act, it was without warrant or authority of law and in violation thereof, and whatever acts and doings the said Sandoval may have performed or done in that behalf were absolutely void.

Says it has no knowledge or information sufficient to enable it to form a belief as to whether or not the expediente of title alleged to have been issued by said Sandoval, prefect as aforesaid, was deposited in the archives of said prefecture, but if they were so deposited, it was without warrant or authority of law.

Further answering, it denies that said original alleged expediente ever formed a part or parcel of the public archives of the Territory of New Mexico and the Republic of Mexico.

It denies that at divers and various times since the acquisition of this Territory by the United States the archives have been so lost, destroyed, and stolen, so as to make said archives so incomplete and insufficient that they would fail to show the existance of the grants of public lands within the Territory of New Mexico.

Says it has no knowledge or information sufficient to enable it to form a belief whether on the 10th day of April, 1840, while an alleged draft of said grant was in the archives of said prefecture, a true copy thereof was made, purporting to be for and the property of one Rumaldo Chavez, but says if such were the case the said archives of the said prefecture was not the proper depository as provided by law for grants to public lands by the Mexican
24 Republic, and that the copy thereof and the certification thereof was without warrant or authority of law and imports no verity to said copy.

Says it has no knowledge or information that said last-mentioned

copy was prior to 1846 transferred and delivered to said Chavez by endorsement thereon unto Gaspar Atencio, one of the original alleged grantees, nor as to whether the same has ever since remained in the possession of said Atencio or his legal representatives and the petitioners or not.

Further answering, the defendant says that the boundaries set out in said petition of said alleged grant were never authorized to be designated or defined of the land alleged to have been petitioned for and granted; therefore alleged that the said prefect, as foresaid, never attempted to grant and never did grant the lands embraced within the boundaries set out in said petition.

Denies that juridical possession was ever given to the land described in plaintiff's petition under and by virtue of the directions and orders of said prefect or any one else.

It denies that said alleged grant or any part thereof or any act performed thereunder ever received the approval or confirmation of the governor, Manuel Armijo, and the departmental assembly or any one else lawfully authorized thereto.

It says it has no knowledge or information sufficient to enable it to form a belief as to whether or not on the 4th day of March, 1840, an allotment was made in severalty to each of said alleged
25 grantees, as alleged in said petition, but if the same was so made it was without warrant or authority of law and void.

It has no knowledge or information sufficient to enable it to form a belief as to whether the original alleged grantees and their legal representatives since said alleged grant and since said alleged delivery of possession have been in the actual, exclusive, and notorious possession of the same, nor as to whether the petitioners are the legal representatives in interest of the said alleged grantees or not.

It denies that said prefect ever granted said property to any one in the amount of thirty-two thousand acres, and it denies that the tract alleged to have been granted by said prefect is ten miles in length and five miles in width.

It denies that the plaintiffs herein are *not* or ever have been seized and — possession by title in fee-simple of said premises.

It denies that said alleged grantees or their legal representatives at the date of the acquisition of New Mexico by the United States held said land discharged of any condition, charge, or reservation, and it denies by reason of said alleged possession, if any they have had since 1840, they have acquired any interest therein, either legal or equitable.

It denies that whatever muniments of title may have been delivered to the alleged original grantees, if any, were executed and delivered by any one authorized by law to dispose of the public domain of the Republic of Mexico, or that the same were
26 ever recorded in the proper archives, as required by law.

It denies that the claim of plaintiff is one which, according to the law of nations, the stipulations of the treaty of Guadalupe Hidalgo, and the laws and ordinances of the Republic of Mexico, or

upon the principles of public law, the United States is bound to respect and recognize.

All other allegations not hereinbefore answered are denied, and it is demanded that plaintiffs be put to their proof of all the allegations in said petition, as provided they shall be by the act approved March 3rd, 1891, under which this court assumes jurisdiction of which controversy, and that the said plaintiffs shall be put to their proof as to their pretended interest or supposed interest therein.

Now, having fully answered, it prays the court that a decree may be entered rejecting the confirmation of said alleged claim or grant, and that said petition may be dismissed, and for such other and further orders as may seem meet and that this court may be authorized to make in the premises.

Respectfully submitted.

MATT. G. REYNOLDS,
U. S. Attorney.

Which said answer bears the following endorsements:

No. 27, file No. 8. Answer. Filed in my office this 25th day of November, A. D. 1892. James H. Reeder, clerk.

27 And be it further remembered that afterwards, to wit, on the twenty-sixth (26) day of November, A. D. 1892, a Spanish document was filed in the office of said clerk, with a translation thereof, marked Exhibit B of their petition; the translation of which said Exhibit B is in the words and figures following, to wit:

"The citizen Jose Trujillo, justice of the peace of the jurisdiction of los ranchos de Albuquerque, does hereby certify in form of law that one hundred varas of land at San Antoñito were donated to Vicente Samora in accordance with an- as stated in the general grant made by me, the said justice of the peace, by virtue of the decree of March 24th made by the prefect Don Antonio Sandoval. The foregoing certificate is given at the ranchos this 11th day of April, 1840, I signing it with my two attending witnesses, to which I certify.

JOSE TRUJILLO. [RUBRIC.]

Attending witness:
RUMALDO CHAVEZ. [RUBRIC.]
Attending witness:
PABLO ROMAN SISNEROS. [RUBRIC.]"

Which said Exhibit B bears the following endorsements:

C. 27, F. No. 13. Translation Exhibit B Filed in my office this 26th day of November, A. D. 1892. James H. Reeder, clerk, by Irenio L. Chaves, deputy.

And be it further remembered that afterwards, to wit, on the — day of ——, 1892, there was filed in the office of the clerk
28 of this court translation of each side of a fragmentary part of Petitioners' Exhibit A, filed as a portion of their petition

on the 12th day of August, 1892; which said portion was not identified as an exhibit, but which, together with the translation of said Exhibit A in Spanish, on page 11 to page 17, inclusive, makes a complete translation of the Spanish document filed and marked Exhibit A of plaintiffs' petition.

The translation of said fragmentary portion of said Exhibit A is as follows, to wit:

"* * * easements, with warning to all the new settlers on this land that they have no right to close the pastures and watering places nor to obstruct the roads already made within their lines under penalty of losing the land if they should do so, nor to go beyond the limits designated, the * * *

"This copy is transferred in favor of the citizen Gaspar Atencio, belonging solely to him the right to make such uses of it as he may deem fit, as he has given me his money for it; and I, the undersigned, obligate myself, if *any* any time a doubt should arise as to whether this *this* an exact copy of the original grant which is in the office of the prefect, to pay him the damages which it may cause him. Given in the town of" * * *

And be it further remembered that afterwards, to wit, on the 29th day of November, A. D. 1892, there was filed in the office of
29 the clerk of this court a notice; which said notice is in the words and figures following, to wit:

"In the United States Court of Privat- Land Claims.

MANUEL CRESPIN
vs.
TH- UNITED STATES. } Cause No. 27.

To Matt. G. Reynolds, U. S. attorney.

SIR: Please take notice that on the hearing of this case we shall refer to the following cases and documents for the purpose of showing that other grants had been made by prefects, have been recognized, acquies-ed in, and confirmed by the proper Mexican authorities, and also that several of such grants have been confirmed by the Congress of the United States, to wit:

Case of Jose S. Ramirez, which is San Pedro grant, Surveyor General's Report No. 44.

Town of Torreon, Surveyor General's Report No. 22, confirmed and patented. See Ex. Doc. No. 14, H. R., 26th Cong., 1st session.

Town of Tejon, file of Surveyor General's office No. 82, confirmed and patented.

Rio Colorado grant, pending before and under advisement by court of private land claims as cause No. —.

GEO. HILL HOWARD AND
JEFFRIES AND EARLE,
30 *Pl'ffs' Att'ys.*"

Which said notice is endorsed as follows:

"No. 27. Ex. D. Notice of use of documents and cases in evidence. Filed in my office this 29th day of November, A. D. 1892. James H. Reeder, clerk, by Ireneo L. Chaves, deputy."

And be it further remembered that afterwards, to wit, on the third (3) day of December, the same being the fifth (5) day of the regular November term, 1892, of this court, the following proceedings were had, to wit:

MANUEL CRESPIN *et al.*, Plaintiff-,
vs.
THE UNITED STATES, Defendant. } No. 27. San Antonito Grant.

This cause was by agreement of parties set for trial on Wednesday, the 7th inst.

And be it further remembered that afterwards, to wit, on the eighth (8) day of December, A. D. 1892, the same being the ninth (9) day of the regular November term, 1892, the following further proceedings were had, to wit:

MANUEL CRESPIN *et al.*, Plaintiffs,
vs.
THE UNITED STATES, Defendant. } San Antonito. No. 27.

31 Come now the parties in the above-entitled cause, plaintiffs appearing by their attorneys, Geo. Hill Howard and Jeffries and Earle, and the United States by Matt. G. Reynolds, Esq., United States attorney, and announced themselves ready for trial. Plaintiffs, being put to their proof as to the allegations in their petition, introduced oral and documentary evidence. After full argument on both sides the court took the above cause under consideration, after which court took a recess until 2 o'clock p. m.

Upon the trial of this cause the following proceedings were had, to wit:

Mr. HOWARD: I will read the petition to the court.

(Petition read.)

Mr. REYNOLDS: I will read the answer of the United States.

(Answer read.)

Mr. EARLE: We offer in evidence Exhibit A. It is a copy of the grant.

(Which said Exhibit A, the translation thereof into the English language, has heretofore been copied into this transcript as Exhibit A to plaintiffs' petition, on pages eleven (11) to seventeen (17), inclusive, and also the fragmentary portion thereof on page twenty-eight (28), to which reference is made for Exhibit A of petitioner-, introduced on the trial of this cause.

Mr. REYNOLDS: I object to it for the reason that no connection is shown between the instrument and the archives, nor is the
32 instrument in anywise verified, and on its face it shows that under the law the officer making the same had no authority

to dispose of the public lands of Mexico, and also because it is but a copy of a copy and uncertified by officials who had the custody under the law or should have had the custody under the law of grants and muniments of title derived from the Republic of Mexico to land in New Mexico.

By the COURT: Exhibit A admitted subject to objection.

Mr. HOWARD: We offer Exhibit B, which is an hijuela or certificate. For Plaintiff-' Ex. B see page 27 of this transcript.

Mr. REYNOLDS, U. S. attorney: I wish to add another objection to Exhibit A. The whole of Exhibit A is only the act of inferior officials of a prefecture, none of which acts are authorized by the laws of Mexico without an original grant by the governor, and also for the reason that this grant appears to have been granted prior to 1840 to Cristobal Armijo, and no proceedings of denouncement are shown to have ever been taken to forfeit the land to the government, making it subject to regrant.

Mr. HOWARD: If the court please, I offer a plat or sketch map, marked Exhibit C.

Mr. HOWARD: — now offer Exhibit D for plaintiffs, which is a notice to the United States attorney that we intended to use certain documentary evidence on the trial of this cause, and we now
33 reoffer these cases enumerated there in evidence.

Which said Exhibit D as offered has been heretofore copied in this transcript on pages twenty-nine (29) and first portion of page thirty (30) hereof.

Mr. REYNOLDS: Let the record show that the United States objected to any evidence as to the action of Congress upon any prefect grants, it being incompetent and immaterial and has no tendency to establish *to* validity of this particular grant.

Mr. HOWARD: This is all the documentary evidence.

MANUELITA MARTINEZ, being introduced as a witness on behalf of plaintiffs, testified in Spanish as follows:

Direct examination.

By Mr. HOWARD, for plaintiffs:

Q. What is your name?
A. Manuelita Martinez.
Q. What is your age?
A. I do not know how many years.
Q. Where do you reside?
A. At San Antonito.
Q. In what county is that?
A. It is in the county of Bernalillo.

Q. Ask her if she knows if there was a grant made to her-
34 self and to others of the land of San Antonito.

Mr. REYNOLDS: Object to the question, because it is not competent to prove the grant by oral testimony; whatever rights they may claim or have can be seen from the papers.

By the COURT: Admitted subject to objection.

A. Yes, sir.
Q. To herself and others?
A. Yes, sir.
Q. Were you one of the grantees of that grant?

Mr. REYNOLDS: Object to the question. The grant will show for itself.

By the COURT: Admitted subject to objection.

A. Yes, sir.
Q. How much?
A. One hundred varas.
Q. Do you remember about what year that grant was made?
A. Yes, sir.
Q. What year?
A. In the year 1840.
Q. Who divided the lands there—who gave her this one hundred varas?
A. Don Jose Trujillo, who was the judge.
Q. Was he present?
A. Yes, sir.
35 Q. Do you remember the names of any of the other grantees with you?
A. I remember some.
Q. State some of them.
A. Ramon Samora, Vicente Samora, Bartolo Sanchez, Juan Ignacio Jinxo, Juan Christobal Muniz; *that* are all I can remember.
Q. Ask her if she remembers who petitioned for the grant—who made the petition to the prefect.
A. Some men got a certificate to show they had obtained a grant.
Q. What men were those, if she can remember?
A. I do not remember.
Q. Does she know who they came to see at Santa Fé, if any one *one?*
A. Don Manuel Armijo.

Mr. REYNOLDS: The petition for the grant and the grant will show for itself, and it shows nothing of the kind.

Q. Who was Don Manuel Armijo?
A. He was the governor; he was from Albuquerque.
Q. Did they get anything from the governor—did they get any written document and written grant?

By the COURT: Change the question.

Q. Did they obtain anything, and, if so, what, from the governor?
A. They obtained it to be granted, and the paper went to the prefect.
36 Q. To what prefect?
A. Don Antonio Sandoval.
Q. How old were you when this possession was given?

A. Either twenty-seven or twenty-eight years old.
Q. Have you lived there ever since this possession was given?
A. Yes, sir; I live there yet.
Q. Are the families of these other grantees that you mentioned living there, they or their families?
A. The sons live there; the parents are already dead.

No cross-examination.

JUAN OTERO, introduced on behalf of plaintiffs, testified on behalf of the plaintiffs in Spanish as follows:

Direct examination.

By Mr. HOWARD, for plaintiffs:

Q. What is your name, age, and residence?
A. Juan Otero is my name; fifty-five years old; I live at San Antonito.
Q. Where is San Antonito?
A. It is near Albuquerque, in the county of Bernalillo.
Q. How long have you lived there?
A. I have lived thirty-six or thirty-seven years.
Q. How many people are there living at San Antonito?
A. There are about sixty-six heads of families.
37 Q. How many people are there altogether?
A. About three hundred.
Q. Do you know the document that is shown to you—do you recognize the document? (Exhibit A shown witness.)
A. I know it.
Q. What is that document?
A. That is the grant of San Antonito.
Q. How long have you known that document?
A. It is about twenty-five years that I know it.
Q. In whose possession was it?
A. It was in the possession of Ramon Samora.
Q. Who was Ramon Samora?
A. He was one of the grantees of San Antonito.
Q. Where is he?
A. He is at his house.
Q. How does it come in the possession of Ramon Samora?
A. A man—Juan Jose Garcia—had this paper.
Q. Where did Juan Jose Garcia live?
A. He was one of the grantees.
Q. Do you know Juan Gaspar Atencio?
A. No, sir; I only heard his name.
Q. Is his family—is he dead?
A. Yes, sir.
Q. Has he any family?
A. He had a family; I know very little of his family.
38 Q. Where do they live?
A. They live at Los Candelarios.

Q. This document shown to you purports to be—is it the original or only a copy of the original grant document?

Mr. REYNOLDS: Object to the question; as to the form of it and as to what it purports to be, the document will show for itself.

By the COURT: Objection sustained. The document shows on its face that it is a copy.

Q. Do you know any other papers relating to this grant except this document, Exhibit A?

A. Yes, sir.

Q. What paper, if you know?

A. I know an hijuela.

Q. Do you know this paper that is shown you in this case? (Exhibit B shown witness.)

A. Yes, sir.

Q. What is that?

A. It is a paper belonging to Vicente Samora, and it remained in the possession of his sons.

Q. Where are his sons living?

A. They live at San Antonito.

Q. Who was Vicente Samora?

A. He was one of the grantees of the place.

Q. How long since he died?

39 A. Three years.

Q. Did you know him there when you first went to San Antonito?

A. Yes, sir; I knew him for many years.

Q. How does this document come here?

A. We took the paper from the heirs of Vicente Samora; we obtained the paper from them, and we placed it in the hands of the attorney.

Q. For what purpose?

A. To the end of proving up this case.

Q. Did he know Jose Trujillo?

A. No, sir; I knew him only by name.

Q. What did you know about him?

Mr. REYNOLDS: I object to the question.

Withdrawn.

Q. Do you know anything about the grant of land at San Antonito?

A. Yes, sir.

Q. State what you know about it.

Mr. REYNOLDS: I object to the proving of a grant by parol unless a foundation has been laid.

By the COURT: Admitted subject to objection.

A. I know the grant was given in 1840; I know it through the grantees themselves in possession.

Q. Ask him to go on and tell all about it.

A. I know that a grant was given in 1840, and the lands
40 were partitioned into strips of one hundred and fifty varas each; three of the grantees one hundred and fifty varas each and the rest of the grantees one hundred varas apiece.

Q. Do you know whether any of these other grantees that you speak of had anything given to them to show title by any one?

A. Yes, sir; I know something from the persons themselves; that they had an hijuela.

Q. Did you ever see any of the other hijuelas besides those you testify to?

A. No, sir; I have not seen any.

Q. Do you know anything about any other document than that which I have shown you here (Exhibit A)?

A. There are deeds of conveyance of the purc*ah*sers from the parties themselves, many of them.

Q. Did you ever see any other document or paper to this grant than the one which you have had presented to you here?

A. No, sir.

Q. You don't know about any other, then?

A. No, sir.

Q. Did you know Don Antonio Sandoval?

A. Yes; I knew him.

Q. Where di- you know him?

A. I knew him many years ago, when I was young yet.

Q. Do you know whether he occupied any official position under the Mexican government at any time?

41 A. I do know. He did occupy one; he was a prefect.

Q. Where did he live?

A. He lived at Los Barales.

Q. Do you know anything about his house having been destroyed or burned—destroyed in any way?

A. Yes, sir.

Q. Tell how it was destroyed.

A. What I know is that it was burned down.

Q. Did Sandoval have any records of the country there in his house—any part of them—records of the prefecture?

A. Yes, sir.

Q. Do you know whether they were destroyed by that fire?

A. I believe they were.

Q. Did you ever hear any one state about it?

A. I heard it said that they were burned.

Q. Who did you hear say about it?

A. Vicente Samora, deceased, and many other persons.

Q. Do you know whether any other documents refer-ing to this grant were destroyed by that fire?

A. There may have been some; I do not know.

Q. Do you know of any belonging to the San Antonito grant?

A. Of the hijuelas only that one (indicating) can be found.

Q. Do you know the boundaries of this grant of land that you speak of?

A. Yes, sir.

42 Q. How do you know about the boundaries?
A. The grantees themselves showed them to me.
Q. What grantees?
A. Vicente Samora, Ramon Samora, Bartolome Sanchez, Juan Ignacio Jinxo——
Q. Were they living at San Antonito when they showed you these boundaries?
A. Yes, sir; they have always lived there.
Q. What were the boundaries of this grant? State them.
A. On the north side the pine tree called "pino cuate" and the ridge along near the pino cuate, a very thick cedar tree.
Q. What is the boundary on the south?
A. The boundary on the south is the top of the Jaspe ridge.
Q. What was the east boundary?
A. On the east the Puerticito de los Huerteños y Ceja del Monte del Portrio.
Q. To what point on the north does the Ceja Monte Portrio extend?
A. Between north and east, and it forms the corner.
Q. What forms the corner?
A. It forms a sort of a pocket; that we call Ojo del Indio; it is like a pass.
Q. What is the western boundary of this grant?
A. The mother springs of the Sandia mountains.
Q. Can you name those springs, some of them?
A. I can give all their names; yes, sir.
43 Q. Give them.
A. The Ojo del Rancho del Chino.
Q. Where is that ojo?
A. It's at the corner, between north and west.
Q. What other springs?
A. The spring of the cienega.
Q. Where is that?
A. That is on the west.
Q. How is that cienega called?
A. That is called—we call it the Ojo of the Cienega.
Q. What other?
A. There is the Samuel spring.
Q. Where is that?
A. That is in the same land on the other corner.
Q. On what corner?
A. The corner between south and west.
Q. Is there any stream running through this grant?
A. These same three springs are the same that belong to the town.
Q. Is there any stream running through those springs?
A. Yes, sir; it runs to the town.
Q. What is that stream called?
A. The stream of San Antonito.
Q. Does he know of any place called Borraca de San Antonito?
A. I know of several places that they call Baraca.

44 Cross-examination.

By Mr. REYNOLDS, U. S. attorney:

Q. When did you go to San Antonito?
A. I went to San Antonito about the year sixty-seven, more or less.
Q. Where did you go from?
A. San Antonio.
Q. Then all you know about these grant papers is what you have been told?
A. Yes, sir. I have been informed from the original grantees themselves.
Q. You have been told; you have no knowledge of your own?
A. I know that it was granted in that manner.
Q. How do you know it?
A. Because it was granted to them and partitioned to them.
Q. How do you know that?
A. I know through the grantees themselves that they sent a man over here to petition for the grant.
Q. You have been told that?
A. Yes, sir; I know it through them.

Witness excused.

GREGORIO GARCIA, being introduced as a witness on behalf of plaintiffs, testified in Spanish as follows:

45 Direct examination.

By Mr. HOWARD, for plaintiffs:

Q. What is your name, age, and residence?
A. I am fifty-nine years old.
Q. Where do you live?
A. I live at San Antonito.
Q. What county?
A. Bernalillo county.
Q. How long have you lived in San Antonito?
A. About thirty years.
Q. Do you know a document marked Exhibit A?
A. I do not know how to read, but I know that paper.
Q. What is that paper?
A. That's an hijuela.
Q. Do you know anything about a claim of land by the people of San Antonito?
A. Yes, sir.
Q. Do you know what they claim there?
A. Maybe they claim the land of San Antonito.
Q. Have you any interest in the grant of San Antonito?
A. Yes, sir.
Q. How do you get those lands?
A. I bought them.

Q. From whom did you buy them?
A. I bought from Don Manuel Crespin.
46 Q. How much land did you buy?
A. Sixty varas.
Q. Do you know how the other people of San Antonito hold their lands?
A. Yes, sir; I know.
Q. How?
A. By purchase.
Q. From whom?
A. Don Serafin.

Mr. HOWARD: That will do.

No cross-examination.
Witness excused.

MANUEL CRESPIN, being introduced on behalf of the plaintiffs, testified in Spanish as follows:

Direct examination.

By Mr. HOWARD, for plaintiffs:

Q. What is your age and residence?
A. I am going on fifty-three years; my residence is San Antonito.
Q. Where is San Antonito—in what county and grant?
A. In the county of Bernalillo.
Q. How long have you resided there?
A. Since the year 1863.
Q. Have you any interest in the land of San Antonito?
47 A. Yes, sir.
Q. How much have you got there?
A. I have four hundred varas of land.
Q. From whom did you obtain that land?
A. I obtained it from the grantees.
Q. The grantees of what?
A. The grantees of the grant of San Antonito.
Q. Are any of the grantees of the San Antonito still living?
A. No, sir; all of them are dead.
Q. Do you know Manuelita Martinez?
A. Yes, sir.
Q. Is she dead?
A. No, sir; she is alive.
Q. Is she one of the original grantees that you spoke of?
A. Yes, sir.
Q. Then they are not all dead?
A. I mean to say that the ones who had the land which I claim are all dead.
Q. Ask him if he knows this leaf of paper.

Exhibit B shown witness.

A. I know it.

Q. How long have you known that paper?
A. I know it from the time I went to the place.
Q. When did you go to the place?
48 A. From the year sixty-three or sixty-one.
Q. In whose possession did he know this paper?
A. In the possession of Vicente Samora.
Q. Is this Vicente Samora living or dead?
A. He is dead.
Q. Since his death in whose possession has it been?
A. In the possession of his sons.
Q. What do you call that paper?
A. That's an hijuela.
Q. Do you know this paper? (Exhibit A shown witness.)
A. I know it.
Q. What is that?
A. That is a copy taken from the original.
Q. Copy of what original?
A. Copy of the grant of San Antonito.
Q. How long has he known this copy?
A. From the year 1863 to this date.
Q. Where did he first see this paper?
A. He saw it in the hands of Ramon Samora.
Q. Where?
A. At San Antonito.
Q. Is he alive?
A. Yes, sir.
Q. Where is he?
A. He is at San Antonito.
49 Q. You say it is a copy; do you know where the original grant is or anything about it?
A. They left it in the charge—in the office of Antonio Sandoval.
Q. Who left it?
A. The authorized persons, Gaspar Atencio and Juan Jose Garcia.
Q. About how long ago?
A. It is in the year forty, as I understand.
Q. Is that original in existence now, if you know?
A. No, sir; I heard that the archives there burned down.
Q. Where?
A. At Albuquerque.
Q. Did you know Don Antonio Sandoval?
A. I knew him.
Q. Where did he reside?
A. At Los Barales.
Q. Was that where he held the prefecture?
A. At Los Barales? No; I do not understand it so; I understood it was in Albuquerque.
Q. Does he know if these archives were burned at Albuquerque or at Borales?
A. I heard it said at Albuquerque.
Q. By whom did you hear it said?
A. By the petitioners—the owners.

Q. Do you not say that Antonio Sandoval lived at Barelas?
50 Does he know whether the residence of Antonio Sandoval was destroyed at any time?

Mr. REYNOLDS: Objected to.

A. The house of Antonio Sandoval was not destroyed in Barelas.
Q. What house was destroyed at Albuquerque?
A. As I understand it, the office of the prefecture.
Q. About what time was that destruction?
A. I was not old enough to know; maybe it was in the year '54 or in the year '57.
Q. Do you know—have you looked for the origin- of this document, you and these grantees?
A. Yes, sir; in every office.
Q. And not been able to find it?
A. We have not found it.
Q. Do you know whether at any time this document, Exhibit A, whether that has been compared at any time with the original?
A. That I cannot state. As I understand, it must have been compared, because it came out from that.
Q. Came out from what?
A. I understand it came from the original.
Q. How did you learn it came from the original?

Mr. REYNOLDS: I object to the question as incompetent, as to how it come from the original; it shows on its face, if it did, how it come from the original.
No ruling.

51 A. I know it because they told me they had left the true original in the house of Antonio Sandoval.
Q. How did you learn it came from the original?
A. From the petitioners, and that is why I understand it must have come out.
Q. You say the original was left in the house of Antonio Sandoval?
A. Yes, sir; so they said.
Q. Did they have a copy?
A. I understand so.
Q. Do you know the boundaries of this grant that you speak of?
A. Yes, sir.
Q. How do you kn-w the boundaries?
A. From Vicente Samora, Bartolome Sanchez, and Ramon Samora; they showed us the boundaries.
Q. Do you know where the boundary — they showed you on the north?
A. On the north they showed us the bald ridge (cuchilla pelada) near the pino cuate.
Q. What was the boundary on the south?
A. The summit of the cuchilla de Jaspe.
Q. What was the eastern boundary?
A. The Puertecito de los Huerteños——

Q. What was the west——

A. And from the east to the north the small ridge of the

52 Ojo de Chino.

Q. What was the western boundary of this tract?

A. The boundary on the west is the Ojo de Samuel, and the last springs or last water-sheds of the mountains, Sandia.

Q. Do you know of any place called the Ceja del Monte del Potrio?

A. Yes, sir.

Q. Where is that with reference to this grant?

A. It is at the other end of the boundary line.

Q. What boundary?

A. The boundary of the Puerticito de los Huerteños.

Q. Do you know of a place called San Antonito?

A. Yes, sir.

Q. Where is that with reference to this grant?

A. It is at the mother springs of the mountains on the west boundary line.

Q. What boundary line?

A. Of the Sandia mountains.

Q. Is tha- place of San Antonito within the grant that you have described?

A. Yes, sir.

Q. Then the plaza on San Antonito is with the boundaries?

A. Yes, sir; it is situated within.

Q. Is there any stream running through this tract?

A. Yes, sir.

Q. What is the name?

53 A. It is called the stream of San Antonito.

Q. How many people are living within the limits of this grant?

A. There may be three hundred.

Q. Are they claiming under this grant or contrary to it?

A. They are claiming under this grant.

Q. How are they claiming under it?

A. They claim it under the government of Mexico.

Q. Is there anybody living on this tract that you have described adverse to these people?

A. No, sir.

Q. How long is this tract from east to west, about?

A. About ten miles.

Q. How wide is it from north to south?

A. About five miles.

Q. Do you know any difference between this paper now then when you first knew it?

A. There is some difference.

Q. What is the difference?

A. There is a piece of the paper wanting.

Q. How did that piece become missing?

A. We took it to the prefecture in 1857.

Q. What prefecture?

A. Of the county of Bernalillo.

Q. What did you take it there for?

A. To register it; to record it.

54 Q. Did you record it; did you leave it in that office for record?

A. Yes, sir.

Q. And you say the piece lost—the piece that you speak of being lost, was it ever recorded?

A. I do not know if it was. When we went there we missed the paper.

Q. Was the piece there when they took it to be recorded?

A. Yes, sir; it was there.

Q. Ask him if this document was whole and intact when they took it to be recorded.

A. It was complete.

Q. Can you tell, more or less, what that lost peice of paper contained; do you know yourself?

A. I do not remember, because I can read very little of this ancient manuscript writing.

Q. State what you know or remember about it.

A. I think that this piece of paper missing contains the signature of the officers and the connection of the boundary lines from the court to the cuchillo del Jaspe, the summit of the cuchillo del Jaspe.

Q. Did it contain anything else that you remember?

A. I do not remember.

Q. Did you know Antonio Sandoval?

A. Yes, sir.

Q. How long since you knew him?

55 A. I knew him since the year fifty-four to the year sixty-one.

Q. Did Antonio Sandoval, to your knowledge, occupy any official position under the Mexican government?

A. He occupied.

Q. How do you know?

A. I knew it through his records.

Q. This grant that he speaks of made by Antonio Sandoval, do you know whether there was any action by any other Mexican authorities on it?

Mr. REYNOLDS: I object to him proving by witness the action of any Mexican authorities as not proper evidence.

By the COURT: Question omitted and answer taken subject to objection.

Q. (Last question repeated to witness.)

A. As I understand it, the then general (puesto general) gave him the authority to do it, who was Armijo at the time.

Q. What does he understand Armijo did?

A. As I understand, Armijo granted them the land, and he issued the order to Antonio Sandoval to give them the land.

Q. After the land was given was there any other official action?

A. I do not know if he ever made any other but the original that they gave them.

56 Q. You say that you know Governor Armijo made an order to the prefect Sandoval to make this grant?

Mr. REYNOLDS: I object to the form of the question as a misconstruction of the answer of the witness, and I object to the language of counsel being substituted for that of the witness.

By the COURT: The question is objectionable.

Q. How did this order you speak of to Antonio Sandoval reach Antonio Sandoval?

A. The older people said—I don't know it myself—that General Armijo ordered them to go to the prefecture of Antonio Sandoval; that he might give the land to these petitioners.

Q. Was that a verbal or a written order?

A. I understand it must have been in writing.

Q. Who gave that order of Armijo's to Antonio Sandoval?

A. I understand that Gaspar Atencio and Juan Jose Garcia.

Mr. REYNOLDS, U. S. attorney: I object to this testimony as being without any foundation and subject on its face to manufacture.

Which objection was by the court sustained; to which ruling of the court the plaintiff- then and there duly excepted at the time.

At this point a recess was taken until two o'clock.

57 At two o'clock court resumed its session, and the case of Manuel Crespin *et al. vs.* The United States was proceeded with.

MANUEL CRESPIN on cross-examination.

By Mr. REYNOLDS, U. S. attorney:

Q. How old did you say you were?

A. Fifty-two years.

Q. When did you move to San Antonito?

A. In the year 1863.

Q. Where did you go from?

A. San Antonio.

Q. Where is that?

A. About six miles from San Antonito.

Q. You took these papers, 9, Exhibit A, and took them to the recorder at Albuquerque in 1857 and had them put on record there, didn't you?

A. Yes, sir.

Q. You did that so that everybody might know that you had these papers?

A. Yes, sir.

Q. And when you got ready to file—and when you commenced to get ready to file the case in this court you got together and discussed these papers, didn't you?

A. Yes, sir.

Q. And you sent for your lawyers?

A. Yes, sir.

58 Q. And you found that you didn't have any grant from the governor, didn't you?

A. Yes; we found ourselves without the original.

Q. And the attorneys told you that you must account for these originals in some way, didn't they?

A. They have not advised us.

Q. Didn't you talk with them about the condition of the title papers?

A. Yes; we did talk about it.

Q. You testified that you had a title from the governor, and your lawyer told you you had better account for it if you could—make a search for it?

A. Yes.

Q. And he told you that it was necessary to find that in order to show that it came from the governor?

A. We have not received any counsel from anybody nor from him.

Q. Did you discuss among yourselves the fact that you must have a grant from the governor?

A. Certainly; we looked for it and are still looking for it.

Q. You do not expect to find it, after this burn-down?

A. We do not hope so.

Q. You knew it was burned before this suit was brought, didn't you?

A. The grantees told us it was so.

59 Q. You understand this to be a copy of the original, do you? (Exhibit A s-own witness.)

A. Yes, sir.

Q. This is the grant you got from the governor?

A. No, sir; that's a copy.

Q. That is a copy of the grant you got from the governor?

A. That's the way I understand it.

Q. It is the copy of the one they said they come to Santa Fé to get, is it?

A. That's the way I understand it.

Q. That's the only one you have ever understood anybody to have had?

A. No reply.

Q. They never had any other paper except this, the original from which this is a copy?

A. Yes; that's all.

Q. Never claimed to have any others, did they?

A. We looked after it, but we didn't find it.

Q. You didn't claim to have any other papers except this and the original of which this is a copy?

A. This and the original.

Q. You never claimed to have any except these two papers, the one that was left with Sandoval and this one?

A. Yes.

Q. You never heard of any other?
60 A. No, sir.

Witness excused.

J. FRANCISCO CHAVES, being introduced as a witness on behalf of plaintiffs, testified in English as follows:

Direct examination.

By Mr. HOWARD, for plaintiffs, and Mr. EARLE also:

Q. State your name and age.
A. J. Francisco Chaves; fifty-nine years passed is my age. My residence is Los Lunas, Valencia county, New Mexico.
Q. State what military positions you have held under the Government of the United States.
A. Lieutenant colonel of the First New Mexico volunteers.
Q. Have you held any civil positions?
A. Postmaster, Delegate to Congress, several times member of both branches of the territorial legislature, and am member-elect of the council, the upper house of the legislature.
Q. Did you know Antonio Sandoval in his lifetime?
A. Yes; very well.
Q. Was he related to you?
A. By marriage; he married a great-aunt of mine.
Q. Did he hold any official position under the government of Mexico?
A. Yes, sir.
Q. State what it was.
61 A. He was prefect on several occasions, and held a military position. I forget now the exact character of it. My impression is that he was an inspector.
Q. Do you remember what time he died?
A. Yes, sir; not the exact date. He died, I think, early in February, 1861.

(By Mr. EARLE:)

Q. Colonel Chaves, do you know anything about his having his house robbed and any papers destroyed? And, if so, just state it.
A. I know by common rumor, and he stated the fact himself to me some time. I was under the impression it was in 1860, in the winter. Some discharged soldiers went to his house for the purpose of robbing him, as it was the general impression that he had large amounts in his house, and they insisted upon his showing where the money was. He said he had no money—that is, to amount to anything—and then they tortured him. They took a large board down, which he showed me himself and on which they laid a number of papers, many of which he said were very valuable, and set those documents on fire and held him over them, but holding him under the arms, and blistered him feet, and I know at the time I saw him

he still had blistered feet. I don't know how long before that it occurred.

Q. Do you know whether those were prefect papers or filing papers?

A. From what he stated to me, they were very important papers.

62 Q. Have you any information as to his house having been burned?

A. Yes, sir, a portion of it; but I think the burning of his house was previous to that. I don't think it had any connection with this robbery.

Q. Have you any information as to the papers and records that were burned at the time his house was destroyed?

A. No, sir.

Q. Do you know whether or not he was a prominent man in the community?

A. Yes, sir.

Q. Do you know whether it was the custom of people to trust him with valuables, &c.?

A. Not him in particular. It was the custom in those days for the people—a certain class of people—to trust their documents to prominent men. It is a fact that they trusted them to him.

Q. Do you know Juan Armijo, the judge of record at Albuquerque?

A. Very well, sir.

Q. Have you any information as to the burning of his house and the records in it?

A. I know his house was burned, but whether there were any records I don't know.

Q. Well, do you know of any destruction of any records of Bernalillo county?

A. Yes, sir.

63 Q. Just state what you know about it.

A. I think it was in 1882 that burglars entered into the clerk's office and took a large number of documents from there. Some were set fire to and others were thrown in the river; and I think that was the date. Subsequently some of those papers were discovered as a portion plundered at that time—on the sand—and were brought back.

Q. What were the nature of those records?

A. They were district court records.

Q. Do you know whether they pertained to land papers?

A. Some of them did and some didn't.

Q. I will ask you if you are familiar with the records in the surveyor general's office.

A. Somewhat.

Q. I want to ask you about Book B.

A. Yes; I had occasion to examine it for a document for Sandoval at his request.

Q. What was Book B?

A. It was a record that was kept in accordance with the provisions

of the county court, or probably it must have been in accordance with the proclamation of General Kearney. I think probably that is correct, and by it the citizens of New Mexico were required and were bound to bring in their titles and record them. On this registry I know of a registry of Hugh M. Smith, near Duncan
64 Heights. That Book B I have had in my possession half a dozen times, the first time in examining a grant which Sandoval asked me to see about.

Q. Do you remember about the last time you saw that book in the surveyor general's office?

A. I think in the month of February, 1880, immediately after the driving of the last spike on this railroad—one or two days after that celebration.

Q. Do you know where that book is?

A. No, sir; except rumer that it has been lost.

Q. Do you know—have you inquired for it in the library of the surveyor general's office?

A. Yes, sir; I have once inquired, but I inquired from the clerk who is now dead. I asked him about that book—David J. Miller, who is now dead.

Q. Do you know of any other loss or destruction of records in 1870——

It is admitted by the defendant, The United States, that during the administration of Governor Pile some of the records and papers were lost and destroyed.

Q. I believe you stated that you were a lawyer by profession?

A. I did not.

Q. Is that a fact?

A. Yes, sir.

Q. Will you examine that paper? (Exhibit B shown witness.)

65 A. Yes, sir.

Q. Are you familiar with that form of a paper?

A. I have seen many such papers.

Q. What is that?

A. An hijuela or certificate of ownership of a piece of land granted by some public officer.

Q. Is that in the usual form?

A. Yes, sir; about the same.

Q. From the possession of that paper what would you infer as to the condition of the land?

Mr. REYNOLDS: I object to it as incompetent and as calling for the legal opinion of the witness as to the effect of the instrument.

Question withdrawn.

Q. I want to know whether from that paper you would infer that a grant had been made to that land—whether a grant would be a necessary prerequisite to the issuing of such a paper as that.

Mr. REYNOLDS: I object.

By the COURT: Objection sustained.

Q. Under the Spanish law and custom would a paper of that character—the character of the one you have in your hands (Exhibit B)—be issued without a grant or prior to a grant being made?

66 Mr. REYNOLDS: I object to the question because it is incompetent.

By the COURT: Objection sustained.

Q. Do you know the person who executed or signed that paper?
A. I do not.
Q. Do you know of him by reputation?
A. No, sir.

Cross-examination.

By Mr. REYNOLDS, U. S. attorney:

Q. Colonel Chaves, the district court papers and records that were found on the banks of the river—were they papers that had been filed in the district clerk's office and bearing upon the class of litigation before that court?

A. Some of them were. There were two or three land papers; as to how they got there I don't know. While I was district attorney I looked over these papers. It seemed quite strange how they got in there unless some parties by ignorance may have deposited them there.

Q. It was not the proper legal depositary of title to real estate?
A. No, sir.
Q. Do you know whether or not instruments recorded in Book B, that was kept under the provisions of the Kearney code, were
67 instruments — were brought in, and that there were endorsements on those instruments to show that they had been?
A. Usually so.

Witness excused.

Mr. HOWARD: We offer the deposition of Ramon Zamora taken before Justice Fuller, at Albuquerque, on the 8th day of September, 1892.

Marked Plaintiffs' Exhibit E.

Which said Exhibit E is in the words and figures following, to wit:

The following stipulation by and between counsel herein was offered and by Justice Fuller ordered placed at the head of and to proceed- the depositions taken in this cause:

Stipulation.

"It is hereby stipulated and agreed that upon the trial of this cause either party may object to any question or answer for competency or irrelevancy, as well as to the competency of the testimony as a whole."

RAMON ZAMORA, of lawful age, upon being first duly sworn, testified on behalf of plaintiffs as follows:

Direct examination.

By Mr. HOWARD, plaintiffs' attorney:

Question. What is you- age and residence?
Answer. I live at San Antonito; my age going on seventy-nine.
68 Q. In what county is San Antonito?
A. In the county of Bernalillo.
Q. Do you know whether there ever was a grant of land at San Antonito?
A. Yes, sir; the same one that was given us.
Q. Were you one of th- grantees?
A. Yes, sir.
Q. Was there possession given—official possession given to you of this grant by the Government?
A. I think so, because we sent a man to Santa Fé.
Q. What did they send a man to Santa Fé for?
A. Sent him to ask for the land.
Q. What followed it?
A. Well, a partition was ordered to be made. We went out and were partitioned according-. The first one to be measured out was Dionicano Atencio.
Q. Who made this measurement or partition?
A. Don Jose Trujillo as judge.
Q. Where did this judge reside?
A. At the Rancho de Albuquerque.
Q. Did the judge made a measurement in partitioning the lands?
A. The same judge.
Q. Did the judge make any measurement and give you possession with any boundaries?
A. No, sir.
Q. Were any common lands given to you and designated
69 to you at the time?
A. Yes, sir.
Q. Did he show the outboundaries of these common lands?
A. Yes, sir.
Q. State what were the boundaries of these common lands.
A. When possession was given on the north was the pino cuate and the bald ridge (cuchilla pelado).
Q. What was the west boundary?
A. The springs or virtientes de los Sandia.
Q. What is the meaning of Ojo Virtientes?
A. The last springs.
Q. Where were these last springs situated?
A. Way high up in the mountains—the Sandia mountains.
Q. Is there any particular spring north of this west line, northwest corner?
A. The Samuel spring, as it is called, but it is far from the place.

A map is presented and witness asked:

Q. Which is the south boundary?
A. The top of the cuchillo del Jaspe.
Q. Which is the east boundary of this tract?
A. The Puerticito de los Huerteños.
Q. Is not this Puerticito de los Huerteños the southeast corner?
A. No, sir; the corner is away from it.
70 Q. Do you know where the Ceja del Potrio is?
A. It is there at the same place. It starts from the puerticito towards the north.
Q. Do you know where the Puerticito de los Indios lies?
A. Yes, sir.
Q. Has the Ceja del Potrio anything to do with the boundaries of this tract?
A. It reaches up to that place. That is the edge of it; that is the wall (indicating).
Q. And this Puerto del Indio—it is opposite the Ceja del Potrio, to the north—has that anything to do with the boundaries of this grant?
A. I believe so.
Q. What is it?
A. No, sir; but there is a line crosses this Ceja del Potrio, to find out the boundary.
Q. Do you know where is the Penasco Blanco?
A. I do not know which is the Penasco Blanco. This (indicating) is known as the cuchillo del Jaspe.
Q. Do you know where the Paraje de San Antonito is?
A. Yes, sir.
Q. Where is it?
A. Among the mountains by the springs—the mountains of Sandia.
Q. Is the Su- de San Antonito in this grant?
A. It is inside of the grant.
71 Q. Do you know where the Cedro Grueto is?
A. I used to know where was a cedro, but it is gone. The landmark is still there.
Q. Where is that?
A. Cuchilla de Pelado, on the north side.
Q. Is this cedar tree one of the boundaries of this grant?
A. Yes; and I would also say in this connection that the cedro naught (trunk), it is no more in existence; it is burned.
Q. When the judge gave you possession of this land did he give you any paper title and paper of any grant?
A. Yes; he gave us the original, and from that they took a copy that came to us, so that the original might remain in the power of Don Antonio.
Q. Don Antonio who?
A. Don Antonio Sandoval.
Q. Who was Don Antonio Sandoval?
A. He was a rich man that lived at Los Barelas.

Q. Did he occupy any official position at that time?
A. Yes, sir.
Q. What?
A. He was a prefect. At that time they were not called a prefect, but some other name.
Q. What became of that original document?
A. I do not know. I say it remained in the house and
72 power of Don Antonio, to be kept in the archives that he kept. That's the reason a copy was made to us, because if anything should happen it would be there.
Q. What became of that copy he gave you?
A. Yes; we have it here.
Q. Ask him if—why they could not get the original from Don Antonio Sandoval.
A. Because we could not find it; that is the reason we are appearing with this.
Q. What was the reason they couldn't find it among the archives of Don Antonio Sandoval?
A. I have said about that time there was a big conflagration and the house was burned.
Q. What house?
A. The house of Sandoval.
Q. Do you know Rumaldo Chavez?
A. Yes, sir; he was a son-in-law of the same judge, Jose Trujillo.
Q. Was he an officer of Trujillo's? Did he have any official position at that time?
A. He was only a clerk of the judge.
Q. Is he -live now or dead?
A. He is dead.
Q. Is Jose Trujillo living or dead?
A. He is dead.
73 Q. Do you know Vicente Zamora?
A. Yes, sir; he was my brother.
Q. Where did he live in 1840?
A. At San Antonito also.
Q. Was he one of the original grantees of this grant?
A. Yes, sir.
Q. Did not the judge give him a certificate of any land—of possession of the grant?
A. Yes, sir; he gave each one of us, and by that we knew our lands.
Q. What were these certificates (hijuelas)?
A. Yes, sir.
Q. Ask him if they were not in relation to lands that were divided up.
A. Yes, sir.
Q. At the time this partition and possession was given was there a plaza formed?
A. Yes, sir; the town was partitioned by himself.
Q. What was the town called?
A. San Antonito.

Q. Was the town divided up?

A. No, sir; the tract was given in common; one hundred and fifty varas to each of the cardinal points was given in common, and for each of our houses, pens, twenty-five more varas for the use of the canals.

74 Q. Have you lived there at San Antonito ever since?

A. Yes, sir.

Q. Are there any other persons or other descendants living upon the grant who are descendants of the original grantees?

A. I don't believe there is anybody; there was but one woman who took the land right.

Q. Ask him if there are descendants.

A. Yes, sir; there are; they have lived there from that time until this.

Cross-examination.

By Mr. TIPTON, special agent, representing the U. S. attorney:

Q. How far is it from the eastern to the western boundary of this grant?

A. It is very far; I do not know measures.

Q. How long would it take you to travel on horseback from the eastern to the western boundary?

A. About an hour at most.

Q. How many leagues do you think it is between those two boundaries?

A. Maybe two miles.

Q. How far do you think it is from the northern to the southern boundary?

A. I do not know; I can't on my oath—I cannot state because *be* are not in a habit of measuring distances.

75 Q. Is it as far from the north to the south boundary as it is from the east to the west boundary?

A. The space is larger from east to west.

Q. How many people are living on this settlement of San Antonito?

A. Many; it reaches up to twenty-five or thirty families.

Q. Is that the only settlement on the grant?

A. ——.

Q. Well, how far is San Antonito from La Tijura?

A. About six miles.

Q. What direction is La Tijura from San Antonito?

A. It is to the south.

Q. La Tijura is not situated within the limits of this grant?

A. No, sir; it is very far.

Q. Is San Antonito situated upon any stream?

A. There is only one; that is the only stream that runs there.

Q. What is the name of the stream?

A. They call it the San Antonito stream.

Redirect examination.

By Mr. HOWARD, plaintiffs' attorne-:

Q. When Don Antonio Sandoval made this grant to you he was a prefect, you say?

A. Yes, sir.

Q. Does he know what, if any, authority Don Antonio had to make this grant?

76 A. The order came from Santa Fé—the authority he had as prefect; maybe he was ordered from Santa Fé to make the grant.

(Here dispute arose between counsel and interpreter, and interpreter was requested to ask witness—)

Q. Did you not say that you believed the order came from Santa Fé to make this grant?

A. Yes, sir; because the men went up there to petition for it.

Q. Was the grant made after these two men came back from Santa Fé?

A. After the land was partitioned.

Q. Ask him if the land was partitioned after the men came back from Santa Fé.

A. Yes, sir.

Q. Who were those men who went to Santa Fé?

A. Gaspar Atencio and Juan Jose Garcia.

Q. Were they grantees of the grant?

A. Yes, sir.

Q. Were they in the partition? Did they have any land partitioned to them?

A. Yes, sir.

Q. Are they alive?

A. No, sir.

Q. Are their descendants alive?

A. Some of them.

Q. Do some of them live on this grant?

77 A. No, sir; they do not live there.

Recross-examination.

By Mr. TIPTON, special agent, &c.:

Q. Did you know Don Antonio Sandoval personally?

A. I knew him just as well as I know my own hand.

Q. Did you ever have any conversation with him in regard to the making of this grant?

A. Yes, sir.

Q. Did he tell you he had authority as prefect to make a grant of lands?

A. Yes, sir.

Q. When did he tell you that?

A. When the partition was made.

Q. Was he present when that partition was made—on the ground?

A. No, sir.

Q. Where was it you had this conversation with him where he stated he had authority to make a grant?

A. At his own house.

Q. In what place?

A. At Los Barelas.

Q. Did he show you any written authority he had from the governor of New Mexico?

A. He simply told me he had authority to make a grant while we were conversing.

78 Q. That's all you know about what authority he had to make a grant of lands?

A. That is all.

This was all the testimony.

I hereby certify that the foregoing is a true and correct transcript of my notes of the testimony of Ramon Zamora taken on the day, at the place, and in that behalf before stated, as given by Mr. Eusebio Chacon, the official interpreter of the court of private land claims.

LUMAN F. PARKER, JR.,
Official Stenographer Court of Private Land Claims.

Which said Exhibit E of Plaintiffs' Deposition of Ramon Zamora bears the following endorsements, to wit:

"Depositions of witness taken before the Honorable Thomas C. Fuller, associate justice, at the city of Albuquerque, county of Bernalillo, Territory of New Mexico, on the 8th day of September, A. D. 1892. Present as counsel: Mr. Geo. Hill Howard, attorney for plaintiffs; Mr. Will. M. Tipton, special agent court of private land claims, representing the U. S. attorney; Mr. Eusebio Chacon, official interpreter; Mr. L. F. Parker, Jr., official stenographer. Filed in my office this 8th day of December, 1892. James H. Reeder, clerk, by Ireneo L. Chaves, deputy clerk."

The United States, by its attorney, declines to offer any testimony, but respectfully submits the case.

79 And be it further remembered that afterwards, to wit, on the seventeenth day of December, the same being the — day of the term of this court, commenced on the twenty-ninth (29) day of November, A. D. 1892, the following further proceedings were had, to wit:

MANUEL CRESPIN *et al.*, Plaintiffs,
vs.
THE UNITED STATES, Defendant. } No. 27.

In the above-entitled cause the court announced that the same would be continued until next term, and plaintiffs in this case are granted leave to file briefs.

And be it further remembered that afterwards, to wit, on the tenth (10) day of March, A. D. 1893, the same being the third day of the term of this court, commenced on March 8th, 1893, the following further proceedings were had, to wit:

MANUEL CRESPIN *et al.*, Plaintiffs,
vs.
THE UNITED STATES, Defendant. } No. 27.

Now come the petitioners, by their attorney, Geo. Hill Howard, Esq., and the defendant, by Matt. G. Reynold, Esq., United States attorney, and, this cause being submitted at a former day of
80 this court and the court being fully advised in the premises, it is considered by the court that the petition of the petitioners in the above-entitled cause be, and the same is hereby, dismissed and the grant rejected.

And be it further remembered that afterwards, to wit, on the seventeenth day of March, A. D. 1893, the same being the ninth day of the term of this court, commenced on the eighth day of March, 1893, the following further proceedings were had, to wit:

MANUEL CRESPIN *et al.*, Plaintiffs,
vs.
THE UNITED STATES, Defendant. } No. 27.

Now come the plaintiffs in the above-entitled cause and move the court for an appeal to the Supreme Court of the United States from the decision rendered herein.

GEO. HILL HOWARD,
JEFFRIES AND EARLE,
Att'ys for Plaintiffs.

Appeal allowed as prayed for.

JOSEPH R. REED,
Chief Justice.

Santa Fé, N. M., March 17, 1893.

81 UNITED STATES OF AMERICA, } ss:
Territory of New Mexico,

I, James H. Reeder, clerk of the court of private land claims, do hereby certify that the foregoing eighty (80) pages contain a full, true, and complete transcript of the records and files in my

office in the case filed herein, in which Manuel Crespin and others are plaintiffs and The United States of America is defendant, for the confirmation of a certain claim or grant commonly known as the "San Antonito."

Witness my hand and the seal of this honorable court this the twentieth day of May, A. D. 1893.

[Seal Court of Private Land Claims, Santa Fé, New Mexico.]

JAMES H. REEDER, *Clerk*,
By IRENEO L. CHAVES,
Deputy for New Mexico.

Endorsed on cover: Case No. 15,415. Court of private land claims. Term No., 42. Manuel Crespin *et al.*, appellants, *vs.* The United States. Filed October 7th, 1893.